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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Tomas TORRES-Garcia,

Defendant

Magistrate Docket No.

08 MAY 29 AM 10:09
08 MJ 1694

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **May 27, 2008** within the Southern District of California, defendant, **Tomas TORRES-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF MAY 2008

Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

JFN

CONTINUATION OF COMPLAINT:**Tomas TORRES-Garcia****PROBABLE CAUSE STATEMENT**

On May 27, 2008, Border patrol Agent J. Davila was assigned to checkpoint duties along with his service K9 Bale. At approximately 2:26 pm, Agent Davila received a call from Border Patrol Agent R. Quijano assigned to the El Cajon Border Patrol Station, stating that he observed a group of suspected illegal aliens fleeing from a vehicle 75 yards west of an area locally known as the "Pink Gate." This area is approximately 1/4 mile west from the SR 94 Border Patrol Checkpoint. This area is also commonly used by alien smugglers as a drop off point, prior to arriving to the checkpoint.

Agent Davila along with K9 Bale responded and after a brief search of the area found eleven individuals attempting to hide in tall grass. Agent Davila identified himself as a Border Patrol Agent and questioned each of the individuals as to their citizenships. One individual later identified as the defendant **Tomas TORRES-Garcia**, stated that he was a citizen and national of Mexico present without any documentation that would allow him to legally enter or remain in the United States. Agent Davila placed all eleven individuals under arrest at approximately 3:24 PM and arranged for transportation to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **March 10, 2006 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.